

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

v.

WESELY MACGREGOR,

Defendant.

Crim. No. 19-10141-LTS-2

**DEFENDANT MACGREGOR'S MOTION TO DISMISS THE INDICTMENT UNDER
FEDERAL RULE OF CRIMINAL PROCEDURE 12(B)**

Now comes the defendant, Wesley MacGregor, and respectfully moves to dismiss Counts 1 through 3 of the indictment under Federal Rule of Criminal Procedure 12(b)(3)(B)(5): Count (1) Conspiracy to Obstruct Justice pursuant to 18 U.S.C. § 1512(k); Count (2) Obstruction of Justice pursuant to 18 U.S.C. § 1512(c)(2); and Count (3) Obstruction of a Federal Proceeding pursuant to 18 U.S.C. § 1505. The grounds for this motion, which are explained in detail in the accompanying Memorandum of Law, include: (1) the indictment fails to state an offense under the federal obstruction of justice statutes, and (2) the application of the federal obstruction statutes to Court Officer MacGregor would violate the Constitution.

For the reasons outlined in the accompanying Memorandum of Law, Counts 1 through 3 of the indictment should be dismissed under Federal Rule of Criminal Procedure 12(b)(3) for failure to state an offense.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), MacGregor respectfully requests oral argument on this motion.

Dated: September 6, 2019

Respectfully submitted,

/s/Rosemary Curran Scapicchio

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CERTIFICATE OF COMPLIANCE WITH LR 112.1 and LR 7.1

I hereby certify that counsel have communicated about the subject matter of this motion in an effort to narrow differences prior to filing.

/s/ Rosemary Curran Scapicchio

CERTIFICATE OF SERVICE

I hereby certify that these documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies/PDFs will be sent by regular mail/email on this date to those indicated as non-registered participants.

/s/ Rosemary Curran Scapicchio